

CERTIFIED FOR PUBLICATION  
IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT  
DIVISION SIX

In re GEORGE CHRISTIE, III,  
on Habeas Corpus.

2d Civil No. B151539  
(Super. Ct. No. 2001-90004)  
(Ventura County)

ORDER MODIFYING OPINION  
[NO CHANGE IN JUDGMENT]

THE COURT:

It is ordered that the opinion filed herein on October 15, 2001, be modified as follows:

1. On page 4, the first full paragraph, beginning with "Historically, "[t]he purpose of bail" is deleted in its entirety.
2. On page 4, the second full paragraph, beginning with "In 1987 the future arrived" is deleted in its entirety.
3. The paragraph commencing at the bottom of page 4 with "Here, it was incumbent" and ending on page 5 with "the functional equivalent of no bail" is modified to read as follows:

Here, it was incumbent upon the trial court to state what its considerations were in setting bail in excess of the bail schedule, and to set bail that reflected the court's conclusion. But, whatever its conclusion, the court may neither deny bail nor set it in a sum that is the functional equivalent of no bail.

4. On page 5, the first full paragraph, delete the third sentence and citation which reads, "This requirement also ensures that public safety concerns are realized and, should appellate review be requested, it will be properly focused. (See *In re Podesto*, *supra*, 15 Cal.3d at p. 938.)"

5. On page 5, the second full paragraph, delete the fifth sentence. The sixth sentence of that paragraph is modified to read as follows: "It is incumbent upon the trial court to clearly state the facts upon which the decision is based."

6. On page 5, the third full paragraph, add the following sentence and citation at the end of that paragraph: "The trial court made no mention of the probability that Christie would appear at further proceedings. (§ 1275, subd. (a).)"

7. The paragraph commencing at the bottom of page 5 with "At the hearing" and ending on page 6 with "some other factors" is modified to read as follows:

At the hearing, the court mentioned that it viewed each bail motion independently, had conducted "numerous bail hearings" in this matter and was very familiar with the charges levied against Christie. This summary statement is insufficient. The trial judge must state the pertinent facts.<sup>3</sup> But these conclusionary statements do not reveal what factors the trial court considered. (*In re Pipinos*, *supra*, 33 Cal.3d at pp. 200-201; *In re William M.* (1970) 3 Cal.3d 16, 31 ["mechanized, mass treatment" in juvenile detention hearings "violates our deep conviction that each individual should personally obtain the protection of due process of law"].)

There is no change in the judgment.